

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and
THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**[PROPOSED] STIPULATED
SCHEDULING ORDER FOR FACT
AND EXPERT DISCOVERY**

Plaintiffs the Federal Trade Commission and the People of the State of New York by Letitia James, Attorney General of the State of New York (“Plaintiffs”) and Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen Inc., Quincy Bioscience Manufacturing, LLC, and Mark Underwood (collectively, “Defendants”) (Plaintiffs and Defendants, collectively, “Parties”) have met and conferred, and participated in a telephonic conference with the Court on December 14, 2020, with respect to deadlines concerning outstanding fact discovery matters and an expert discovery schedule, and it is hereby stipulated and agreed between and among the Parties, by and through their undersigned counsel, as follows:

1. **Rule 30(b)(6) Deposition of the FTC:** The Federal Rule of Civil Procedure 30(b)(6) deposition of the FTC's representative(s) shall be completed by January 29, 2021 provided that Plaintiffs' sample of advertisements required by Paragraph 3 herein have been provided by January 22, 2021.

2. **Defendants' Advertising Dissemination Schedules:** In accordance with the Court's direction at the December 14, 2020 conference, by January 15, 2021, Defendants shall provide, to the extent that Defendants possess sufficient information, a "yes" or "no" response to whether the bates numbers provided by the FTC in its December 7, 2020 chart refer to the corresponding "Spot Title" and "Length" from the FTC's chart. To the extent the response is "no," Defendants will, to the extent they possess sufficient information, provide the bates number and/or copy of the corresponding advertisement identified in the FTC's December 7, 2020 chart.

3. **Plaintiffs' Fair and Representative Sample of Advertisements and Narrative Responses:** By no later than January 22, 2021, Plaintiffs shall comply with the Court's December 3, 2020 Order (Dkt. No. 148) and produce: (1) a fair and representative sample of the advertisements and marketing materials that Plaintiffs are challenging in this action; (2) a list of employees whose files were searched for potentially relevant information in response to Defendants' discovery requests; and (3) a description of the procedures Plaintiffs use to organize, store, and preserve documents and communications. Additionally, as Ordered by the Court, the NYAG shall produce an updated response to Interrogatory 2 and written narratives describing the communications requested in Topics 19, 23, and 25-27 of Defendants' Rule 30(b)(6) deposition notice. Further, in accordance with the Court's December 3 Order, the NYAG will provide responses to Defendants' supplemental Interrogatories in lieu of providing a Rule

30(b)(6) deponent with respect to Topics 1, 2, 3, 4, 29 and 30 within 30 days of being served with such Interrogatories.

4. **Briefing Schedule Regarding Bench v. Jury Trial:** The deadline for Plaintiffs to submit a brief on the issue of whether this matter should proceed as a bench or jury trial shall be February 3, 2021. The deadline for Defendants to file their response shall be March 5, 2021. The deadline for Plaintiffs to file their reply briefs shall be March 19, 2021.

5. **Expert Reports and Depositions:** The Parties will exchange affirmative expert reports no later than March 31, 2021. The Parties will exchange rebuttal expert reports no later than May 28, 2021. The Parties will complete expert discovery, including expert depositions, by July 16, 2021.

6. **Fact Discovery Regarding Financial Information:** At a date to be determined prior to trial, Defendants shall provide an updated production of their financial statements (e.g., balance sheets, income statements, and cash flow statements) as well as updated responses to Interrogatory Nos. 1 and 20.

7. **Status Conference:** A status conference is set for July ___, 2021 at _____ to set further deadlines.

SO STIPULATED:

Dated: New York, New York
December 28, 2020

FEDERAL TRADE COMMISSION

PEOPLE OF THE STATE OF NEW YORK
BY LETITIA JAMES

/s/ Annette Soberats
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SO ORDERED, this _____ day of
_____, 2020,

LOUIS STANTON
UNITED STATES DISTRICT JUDGE